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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,249	12/29/2000	Leslie Los	00-091-DSK	9273

7590

05/08/2003

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EXAMINER
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KARLSEN, ERNEST F

ART UNIT	PAPER NUMBER
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2829

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/751,249

Applicant(s)

LOS ET AL.

Examiner

Ernest F. Karlsen

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 8-18, 20 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2829

1. Applicant's election with traverse of Invention I and the species to which claims 1-7, 19 and 21 are drawn in Paper No. 8 and 10 is acknowledged. The traversal is on the ground(s) that the apparatus of claim 8 includes a straight feed connector that performs the connecting of electronic components and contains language similar to that of claim 1. This is not found persuasive because the apparatus, even though the preamble of claim 8 refers to data, could be used to test for any kind of signal. In addition the method of claim 15 requires structure not found in claim 8. Thus the method can be practiced or has to be practiced ~~or has to be practiced~~ with a different apparatus and the apparatus can be used to practice a different method.

The requirement is still deemed proper and is therefore made FINAL.

2. The formal drawings filed April 18, 2001 are objected to for containing new matter. The formal drawings contain a Figure 6B which was not previously presented. The formal drawings are disapproved by the examiner.

3. Claims 1-7, 19 and 21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear what is meant by a "straight feed-through connector". It is not clear if the connector has connections other than connecting pins. It is not clear how the connector to be used in the method of claim 1 is to be structured. It is not clear how the limitations of claims 2-4 would be implemented.

Art Unit: 2829

4. Claims 1-7, 19 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what all the claimed steps are because it is not clear what all the elements used to perform the steps are.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

6. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7, 19 and 21 are rejected under 35 U.S.C. 102(b) as being fully anticipated by

Applicants' Figure 4, Auble, Nelson, Cole et al, Self, Kudla et al or Kanamori.

Element 403 of Applicants' Figure 4 is considered a straight feed-through connector. One end of element 404 appears to be connected to the conductors of element 403 and the other end of element 404 appears to be connected to an LED. Note in Auble that everything between the missing tube socket on element 40 and the tube 41 can be considered a straight feed-through connector. The displays 43 and 45 are connected to the straight feed-through connector via a flexible circuit. Note Figure 6B of Nelson, Figure 2 of Cole et al, Figure 3 of Self, Figure 3 of Kudla et al and Figure 1 of Kanamori.

8. Claims 8-18, 20 and 22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions and/or species, there being no allowable

Art Unit: 2829

generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 8 and 10.

Karlsen/ek

05/06/03

  
ERNEST KARLSEN  
PRIMARY EXAMINER